

ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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In the Matter of)
)
Amendment of Section 73.202(b),) MB Docket No. 05-131
Table of Allotments,) RM-11208
FM Broadcast Stations.) RM-11209
(Redding, California))

RECEIVED

MAY 10 2005

To: Marlene H. Dortch, Secretary
Office of the Secretary
Attn: Chief, Audio Division
Media Bureau

Federal Communications Commission
Office of Secretary

COMMENTS AND COUNTERPROPOSAL

Educational Media Foundation ("EMF"), by its undersigned attorneys and pursuant to Section 1.420 of the Commission's rules, hereby submits its Comments and Counterproposal in response to the above-referenced Notice of Proposed Rule Making ("NPRM"). The NPRM was issued in response to two Petitions for Rule Making filed by Linda A. Davidson and Paul Barth ("Petitioners") to allot Channel 221A at Redding, California, as the community's fourth commercial FM service and its ninth full power radio broadcast service.^{1/} EMF requests that the Commission allot Channel 224A at Shasta Lake, California, as that community's third FM service in lieu of Petitioners' requested allotment.^{2/} As demonstrated herein, the proposed new allotment to Shasta Lake is preferable to Petitioners' proposed Redding allotment because it will

^{1/} The following stations are licensed to Redding: KNCQ(FM), KSHA(FM), KVIP(FM), KKRO(FM), KLXR(AM), KNRO(AM), KQMS(AM), and KVIP(AM) in addition to unbuilt KFPR(FM).

^{2/} According to the Commission's database, there are two stations, KESR(FM) and KNNN(FM) licensed to Shasta Lake City, California. According to the U.S. Census Bureau and the community's own website, however, the city is actually Shasta Lake. See www.ci.shasta-lake.ca.us.

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result in the provision of a new broadcast service to more people and will permit EMF to upgrade the facilities of its station KKRO(FM), Redding, California, to provide 60 dBu service to the majority of the community in compliance with Section 73.515 of the Commission's rules.^{3/} EMF hereby states its interest in the new Shasta Lake facility, commits to apply for Channel 224A at Shasta Lake should this proposal be granted, and promises to promptly construct the facilities should it be granted the construction permit.^{4/}

As set forth in the attached engineering statement of David Velasquez, Channel 224A can be allotted at Shasta Lake consistent with Commission rules. *See* Engineering Statement, Exhibit 1 hereto. Moreover, Shasta Lake, a community of 9,008 people, has already been found by the Commission to be a community for allotment purposes, having two existing FM allotments.

In choosing between conflicting allotment proposals, the Commission applies the following priorities: (1) first full-time aural service; (2) second full-time aural service; (3) first local service; and (4) other public interest matters. Co-equal weight is given to priorities (2) and (3).^{5/} Since neither proposal will provide a first or second aural or first local service, a decision between the two must be based on other public interest matters. Pursuant to this criterion, EMF's proposed allotment to Shasta Lake is to be preferred over Petitioners' Redding proposals because the proposed Shasta Lake facility will provide a new radio broadcast service to 155,310

^{3/} Concurrently herewith, EMF is filing an application for a minor change in the facilities of its noncommercial educational station KKRO(FM), in which it proposes to upgrade the station from Class A to Class C2. The instant proposal has the added benefit of permitting this substantial upgrade in service by KKRO(FM).

^{4/} EMF will also promptly construct the upgrade facilities of KKRO(FM) if its application is granted.

^{5/} *Revision of FM Policies and Procedures*, 90 FCC 2d 88 (1982).

people, while Ms. Davidson's proposal will provide service to only 151,486 people and Mr. Barth's proposal will provide service to only 152,344 people. *See* Engineering Statement. Moreover, the proposed Shasta Lake allotment will permit the upgrade of KKRO(FM), which will result in the provision of 60 dBu service to an additional 100,275 people, while Petitioners' proposed Redding allotment is mutually exclusive with the upgrade. *Id.* In addition to permitting the station to dramatically increase its service, the KKRO(FM) upgrade will also permit the station, which currently does not provide a 60 dBu signal to its community of license, to provide such service to 82% of the Redding community, thereby achieving compliance with Section 73.515 of the Commission's rules.^{6/}

^{6/} When EMF initially applied for the Redding station in 1995, noncommercial stations such as KKRO(FM) were not required to serve any portion of their communities of license. Prior to grant of the application, however, the Commission's rules changed. *See* 47 C.F.R. § 73.515 (requiring noncommercial educational FM stations to provide a 60 dBu signal to at least 50% of the community of license or 50% of the population within the community). EMF therefore requested and was granted a waiver of the rule. *See* FCC File No. BPED-19950714ME.

For these reasons, EMF urges the Commission to adopt this counterproposal and allot Channel 224A at Shasta Lake, California.

Respectfully submitted,

EDUCATIONAL MEDIA FOUNDATION

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Dated: May 10, 2005

Educational Media Foundation

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Exhibit 1

Redding, CA

Engineering Statement

Introduction

This engineering statement supports the provision of a new broadcast service on channel 224A for Shasta Lake, California proposed by Educational Media Foundation ("EMF").

Discussion

A fully space allotment site has been identified for EMF's proposed facility (see Exhibit 1-A). The coordinates are: 40-38-51 N by 122-27-19 W.

There are two specific reasons that support the grant of EMF's proposed Shasta Lake 224A. First, the proposed facility covers 155,310 persons as opposed to the Davidson proposal (151,486) and the Barth proposal (152,344) 9see Exhibits 1-B through 1-D). Second, this grant will allow EMF's licensed station, KKRO Redding, CA, to cover more than 50% of its city of license (see Exhibit 1-E).

Conclusion

EMF's proposed service to Shasta Lake should be given preference over the two proposed allotments to Channel 221A.

Respectfully submitted,



David Velasquez
Application Coordinator
Educational Media Foundation
May 10, 2005

Exhibit 1-A

REFERENCE

40 38 51 N
122 27 19 W

CLASS = A

Current Spacings

DISPLAY DATES

DATA 04-23-05
SEARCH 05-09-05

----- Channel 224 - 92.7 MHz -----

| Call | Channel | Location | Azi | Dist | FCC | Margin |
|--------|-----------|---------------|----------|--------|-------|--------|
| RADD | ADD 221A | Redding | CA 141.2 | 8.72 | 31.0 | -22.28 |
| RADD | ADD 221A | Redding | CA 137.7 | 10.69 | 31.0 | -20.31 |
| AL225 | VAC 225A | Burney | CA 68.5 | 72.07 | 72.0 | 0.07 |
| KLRS | LIC 224A | Chico | CA 142.8 | 116.99 | 115.0 | 1.99 |
| KLADFM | LIC 223C | Klamath Falls | OR 22.8 | 175.08 | 165.0 | 10.08 |
| KXGO | LIC 226C | Arcata | CA 274.5 | 128.58 | 95.0 | 33.58 |
| KREDFM | LIC 222C1 | Eureka | CA 274.4 | 128.65 | 75.0 | 53.65 |
| KJDX | LIC 227C | Susanville | CA 97.1 | 161.09 | 95.0 | 66.09 |
| KMFB | LIC 224A | Mendocino | CA 218.3 | 183.87 | 115.0 | 68.87 |

Exhibit 1-B
EMF Proposed Shasta Lake 224A

Contour Parameters:

Type: FCC Contour
F(50-50) FS: 60.00 dBu [360 Radials]

Population Database: 2000 US Census (SF1)

Primary Terrain: V-Soft 30 Second US Database
Secondary Terrain: V-Soft 3 Second US Terrain

Transmitter Information:

Call Letters: Shasta Lake 224A
Latitude: 40-38-51 N
Longitude: 122-27-19 W
ERP: 6.00 kW
Channel: 224
Frequency: 92.7 MHz
AMSL Height: 527.0 m
Elevation: 239.53 m
Horiz. Antenna Pattern: Omni
Vert. Elevation Pattern: No

Total Population Within Contour: 155,310
Total Housing Units Within Contour: 63,897
Total Area Within Contour: 3726.86 sq. km

Exhibit 1-C
Davidson proposal

Contour Parameters:
Type: FCC Contour
F(50-50) FS: 60.00 dBu [360 Radials]

Population Database: 2000 US Census (SF1)

Primary Terrain: V-Soft 30 Second US Database
Secondary Terrain: V-Soft 3 Second US Terrain

Transmitter Information:

Call Letters: RADD.LD-Max
File Number:
Latitude: 40-34-35 N
Longitude: 122-22-12 W
ERP: 6.00 kW
Channel: 221
Frequency: 92.1 MHz
AMSL Height: 321.86 m
Elevation: 183.0 m
Horiz. Antenna Pattern: Omni
Vert. Elevation Pattern: No

Total Population Within Contour: 151,486
Total Housing Units Within Contour: 61,934
Total Area Within Contour: 2570.47 sq. km

Exhibit 1-D
Barth Proposal

Contour Parameters:

Type: FCC Contour

F(50-50) FS: 60.00 dBu [360 Radials]

Population Database: 2000 US Census (SF1)

Primary Terrain: V-Soft 30 Second US Database

Secondary Terrain: V-Soft 3 Second US Terrain

Transmitter Information:

Call Letters: RADD.PB-Max

File Number:

Latitude: 40-35-11 N

Longitude: 122-23-26 W

ERP: 6.00 kW

Channel: 221

Frequency: 92.1 MHz

AMSL Height: 355.106 m

Elevation: 183.0 m

Horiz. Antenna Pattern: Omni

Vert. Elevation Pattern: No

Total Population Within Contour: 152,344

Total Housing Units Within Contour: 62,359

Total Area Within Contour: 2868.51 sq. km



Exhibit 1-E

KKRO.P

BLED20021119ABO

Latitude: 40-36-10 N

Longitude: 122-38-58 W

ERP: 0.30 kW

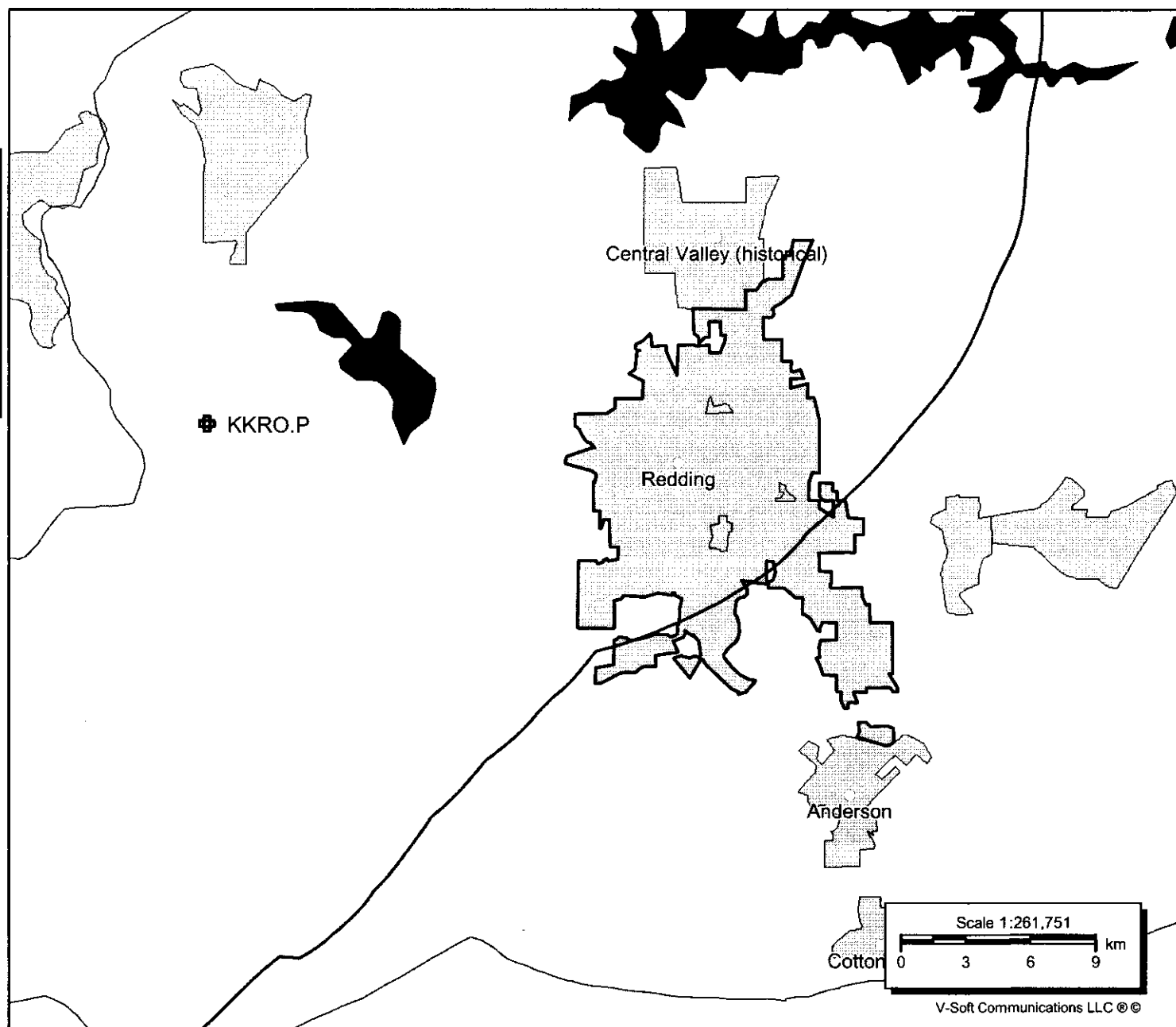
Channel: 218

Frequency: 91.5 MHz

AMSL Height: 1929.0 m

Elevation: 1704.16 m

Pattern: Directional



CERTIFICATE OF SERVICE

I, Renee Williams, hereby certify that I have on this 10th day of May, 2005 caused a copy of the foregoing **"COMMENTS AND COUNTERPROPOSAL"** to be served by first class U.S. mail, postage prepaid, upon the following:

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Renee Williams

*Via Hand Delivery